

My questions are:

1. Would you apply the Justice Harlan "rational basis" standard or the "congruence and proportionality standard"?

2. What are your views on Justice Scalia's characterization that the "congruence and proportionality standard" is a "flabby test" and "an invitation to judicial arbitrariness and policy driven decision making"?

3. Do you agree with Chief Justice Rehnquist's conclusion that the Violence Against Women legislation was unconstitutional because of Congress's "method of reasoning"?

4. Do you agree with the division of constitutional authority between Congress and the Supreme Court articulated by Chief Justice Roberts in his responses cited in this letter to questions posed at his hearing by Senator DeWine and me?

Sincerely,

ARLEN SPECTER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. CORKER pertaining to the introduction of S. 1280 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

APPROPRIATIONS

Mr. CORKER. Mr. President, I would like to mention one other issue in closing. A large number of Senators signed a letter to the leader asking that we do our business in a very thoughtful way as it relates to appropriations. Each year we find ourselves in a position where we end up with an omnibus bill that most of us feel very uncomfortable signing into law.

We ask that the appropriations bills be passed in such a manner that we have eight of them passed individually by the August recess.

I know, today, we are stuck on a bill, and I realize there is some stalling that is taking place. I have to question why we are focused on a tourism bill today when we still have not begun our appropriations process.

So I will say to the leader, I hope he will move on with doing the appropriations in an appropriate order so, as I have mentioned, we will have at least eight of those passed by the recess so we can do our citizens' work in the most appropriate manner.

Mr. President, I yield the floor and thank you for the time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

ARMY SPECIALIST CHRISTOPHER KURTH

Mr. UDALL of New Mexico. Mr. President, I rise to honor a proud son

of Alamogordo, NM. Army SPC Chris Kurth died on Thursday, June 4, after his vehicle was struck by an antitank grenade. He was 23 years old.

In Iraq, Chris was responsible for escorting convoys. But this job description conveys none of the risk or the courage involved in the job. The military can secure a town or a base, but somebody must still travel the roads that cannot be secured. Christopher Kurth was responsible for undertaking this act of courage.

Chris knew how dangerous his job could be when he began his last mission. He was on his second tour of duty, and he had just recovered from a neck wound that won him a Purple Heart. But for Chris, success was defined by keeping his fellow soldiers safe. And that is what he died fighting to do.

The values reflected in this duty are as important in peace as they are in war. His job was to protect his fellow soldiers—to be a good friend in the most difficult of times. By serving them, he served his country.

The characteristics that made Chris Kurth a good soldier also made him a good friend when he was back in Alamogordo. They made him a good teacher when he volunteered to tell students at his former high school about his life as a soldier. They made him a loving—and loved—son, brother, and husband.

Chris Kurth lost his life keeping American soldiers safe. He was a proud soldier and a good man.

My thoughts are with Chris's parents, with his wife, and with all those who knew and loved him. I ask you to join me today in remembering his service.

NAVAJO CODE TALKERS

Mr. UDALL of New Mexico. Mr. President, I rise to mark a solemn moment for the Navajo Nation and for our country.

In the past month, three of America's veterans passed away: Willie Begay, Thomas Claw, and John Brown, Jr. These men were members of the small group of marines known as the Navajo Code Talkers. Their story is one of the most compelling in American military history.

In May of 1942, 29 Navajo Indians arrived at Camp Pendleton in California. They were there to develop a code that could be deployed easily and would not be cracked by Japanese cryptographers.

Over the course of the war, the original 29 became a team of roughly 400 Navajos responsible for building and using their code. Their success in that mission helped the Marines capture Iwo Jima. It contributed to the American victory, and it saved untold numbers of allied soldiers.

As most World War II veterans were returning home with stories of courage and victory, the Navajo Code Talkers were ordered to keep their story secret. Their mission was classified. Only in

1968 was it revealed to the world. And only in 2001 did these men finally receive the recognition they deserved when they were presented with Congressional Medals.

It is often said that America's diversity makes her strong. During World War II, this country's cultural diversity contributed to America's military strength in a very real and concrete way. Because the Navajo language had survived and it had been passed down, Americans had a code that the Japanese were never able to crack—a weapon they could not counter.

America is unique among the countries of the world. Almost every other country on Earth finds its sense of solidarity in a common race and a common culture. Even countries as diverse as our own trace their heritage to some imagined community older than their political institutions. Our Nation has always defined itself by its ideals, not by race or culture. Although we have not always lived up to this vision of a truly multicultural democracy, it has guided our development and spurred our progress.

When the Navajo Code Talkers first arrived at Camp Pendleton, there were those who considered them less than fully equal. U.S. law had only acknowledged Native Americans as citizens for 17 years when our country entered World War II. Many of the code talkers were born as noncitizens in a land that had belonged to their people before the Europeans knew it existed. Yet 45,000 of 350,000 Native Americans in this country served in the Armed Forces during that conflict, including 400 Navajo Code Talkers.

The Native Americans who signed up to serve this country in the Armed Forces were sending a message that they, just as much as anyone else, were citizens of the United States of America, their people were just as much a part of this country's cultural tapestry as any other.

In the Navajo code, the word for America was "our mother." As one code talker has explained:

"Our Mother" stood for freedom—our religion—our ways of life. And that's why we went in.

The Navajo marines identified their culture with their country. When they fought, they fought for both. In fact, values integral to the Navajo experience spurred them to fight in America's war against tyranny. As Americans who faced bigotry and injustice, they eagerly signed on to free others from oppression. As individuals who had lived with the legacy of aggression against their people, they felt keenly the need to prevent other acts of aggression, even if these acts were being perpetrated on the other side of the world.

The passing of the three code talkers—thousands of miles and dozens of years from the events that made them heroes—should make us all remember the great patriotism and honor all the code talkers displayed. It should make